

MAY 03 2016

Mr. Tim Kent  
Director of Environmental Department  
Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, Oklahoma 74363

Dear Mr. Kent:

The U.S. Environmental Protection Agency Region 7 has been conducting remedial activities at the Cherokee County Superfund Site (Site) since 1987. Remedial investigation activities have been ongoing since 2012 at Operable Unit 08 (OU 08), Railroads. The OU includes the inactive rail lines found within the Site boundaries in Cherokee County, in southeast Kansas. The Remedial Investigation report was finalized in March 2016 in support of a Record of Decision (ROD) scheduled for completion in September 2016. This letter formally requests that the Quapaw Tribe of Oklahoma identify any applicable or relevant and appropriate requirements (ARARs) for OU 08, Railroads, of the Site in support of the OU 08 ROD.

The EPA is requesting that an appropriate tribal official identify potential ARARs in the tables provided, or an equivalent-type format. To qualify as tribal ARARs, these requirements must be promulgated. A tribal requirement is promulgated if it is legally enforceable and of general applicability.

The tables are divided into three sections addressing the following categories: chemical-specific requirements, location-specific requirements, and action-specific requirements. Chemical-specific requirements are health- or risk-based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the ambient environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, a location-specific requirement demands that hazardous waste storage facilities, if located within 100-year flood plains, must be designed, constructed, operated, and maintained in a manner which avoids washout. Action-specific requirements are technology- or activity-based requirements or limitations on actions taken with respect to hazardous waste.

Your timely response will ensure that tribal requirements will be considered when drafting the Proposed Plan for the OU 08 ROD. If it is not possible to detail these regulations in writing by June 3, 2016, please email me, at [hagenmaier.elizabeth@epa.gov](mailto:hagenmaier.elizabeth@epa.gov), with this information before confirming the information in writing. All information concerning tribal ARARs must be received in writing within thirty days of receipt of this letter. Also, please feel free to contact me at (913) 551-7939 if additional information on the Site is needed for the purpose of completing the enclosures.

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Any tribal policies or guidance will be considered, even if they are not ARARs. Your responses will be examined to determine whether they are applicable or relevant and appropriate to the site to the extent practicable. It is important to clarify, however, that all potential tribal ARARs identified in the tables may not be met during any future planned OU 08 remedial action.

Please mail your response to me at: Ms. Elizabeth Hagenmaier, Remedial Project Manager, U.S. EPA Region 7, 11201 Renner Boulevard, SUPR/SPEB, Lenexa, Kansas 66219.

Sincerely,

Elizabeth Hagenmaier  
Remedial Project Manager  
Special Emphasis Remedial Branch  
Superfund Division

Enclosures

cc: Randy Gee, EPA Region 6 (via email only)